



MONTGOMERY COUNTY ETHICS COMMISSION

Stuart D. Rick
Chair

Kenita Barrow
Vice Chair

September 27, 2013

Waiver 13-09-009

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Debra Thompson is a Social Worker working with the Consolidated In-Home services in the Department of Health and Human Services (DHHS)'s Child Welfare Services. She requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that she may be employed with Behavioral Health Partners (BHP) and Sheppard Pratt Health System ("Sheppard Pratt").¹ The waiver is necessary as BHP contracts with Montgomery County Child Welfare Services to provide services to Montgomery County residents.

Ms. Thompson's clients while working with BHP/Sheppard Pratt will consist only of Frederick County residents; she will accept no clients who live in Montgomery County or are associated with Montgomery County Child Welfare Services.

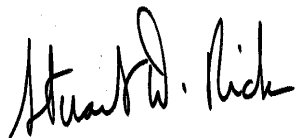
Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

The Commission notes that it does not waive the prohibitions of § 19A-11, which, among other things, prohibits Ms. Thompson from working as a County employee on any matter that her outside employer is a party to or would have an effect on her outside employer that is distinct from its effect on the public generally. For example, Ms. Thompson is prohibited from making or recommending any referrals to BHP or Sheppard Pratt.

¹ Ms. Thompson lists BHP as the outside employer on her request for outside employment and in her request for the waiver, but also states "While I will work for and with BHP, I will be a formal employee and receive my paychecks from Sheppard Pratt . . ." For purposes of this waiver, the Ethics Commission recognizes both entities as the employer.

In reaching this decision, the Commission has relied upon the facts as presented by Ms. Thompson.

For the Commission:

A handwritten signature in black ink, appearing to read "Stuart D. Rick". The signature is written in a cursive, flowing style.

Stuart Rick, Chair